

DISTRICT COURT OF GUAM
TERRITORY OF GUAM
CRIMINAL MINUTES - GENERAL

FILED

DISTRICT COURT OF GUAM

AUG 11 2005

**MARY L.M. MORAN
CLERK OF COURT**

CASE NO. CR-98-00310-002

DATE: 08/10/2005

HON. CONSUELO B. MARSHALL, Designated Judge, Presiding
Court Reporter: Wanda M. Miles
Hearing Electronically Recorded: 2:40:07 - 3:22:54

Law Clerk: NONE PRESENT
Courtroom Deputy: Virginia T. Kilgore
CSO: J. McDonald

***** APPEARANCES *****

DEFT: REX S. ALADO aka "REX"
(PRESENT) (CUSTODY) (BOND) (P.R.)

ATTY : SAMUEL TEKER
(PRESENT) (RETAINED) (FPD) (CJA APPOINTED)

U.S. ATTORNEY: MARIVIC DAVID

AGENT: ROB ROBERTSON, BUREAU OF IMMIGRATION & CUSTOMS ENFORCEMENT

U.S. PROBATION: ROBERT CARREON

U.S. MARSHAL: W. GRAY

PROCEEDINGS: CONTINUED CHANGE OF PLEA

() COMPLAINT READ TO DEFENDANT
() FINANCIAL AFFIDAVIT REVIEWED AND ACCEPTED: _____, ATTORNEY APPOINTED
() DEFENDANT SWORN AND EXAMINED: AGE: _____ HIGH SCHOOL COMPLETED: _____
() DEFENDANT ARRAIGNED AND ADVISED OF HIS RIGHTS, CHARGES AND PENALTIES
() REMOVAL/IDENTITY HEARING () CONDUCTED () WAIVED () SET FOR: _____ at _____
() WARRANT OF REMOVAL ISSUED
() GOV'T SUMMARIZES THE EVIDENCE () GOV'T SUBMITS TO THE PLEA AGREEMENT
() COURT ADVISES DEFENDANT OF THE NATURE AND POSSIBLE CONSEQUENCES OF SAID PLEA
() DEFENDANT WAIVE READING OF () COMPLAINT () INFORMATION () INDICTMENT
() PLEA ENTERED: () GUILTY () NOT GUILTY - TO: COUNT III OF THE INDICTMENT
() COUNT(S) _____ DISMISSED ON GOVERNMENT'S MOTION
() PLEA AGREEMENT FILED: AUGUST 10, 2005 PLEA: () ACCEPTED () REJECTED
() COURT ORDERS PLEA AGREEMENT SEALED
() COURT REJECTS PLEA AGREEMENT AND REFERS IT TO: _____ FOR RECOMMENDATION.
() SENTENCING DATE: NOVEMBER 8, 2005 at 10:00 AM. () STATUS HEARING: _____ at _____
() PRESENTENCE REPORT ORDERED AND DUE: OCTOBER 4, 2005
() PRELIMINARY EXAMINATION SET FOR: _____
() ARRAIGNMENT SET FOR: _____ at _____
() TRIAL SET FOR: _____

PROCEEDINGS CONTINUED TO: _____ at _____

() DEFENDANT TO BE RELEASED ON BOND (see release conditions on page 2)
() DEFENDANT REMANDED TO THE CUSTODY OF THE U.S. MARSHAL SERVICE FOR () PROCESSING () DETENTION
() DETENTION HEARING REQUESTED BY _ GOV'T _ DEFT IS SET FOR: _____ at _____
() DEFENDANT RELEASED ON BAIL AS PREVIOUSLY ORDERED BY THIS COURT

NOTES:

Defense counsel requested the Court to accept Defendant's plea upon the condition that if the sentencing judge is not inclined to sentence in accordance with the plea, the Defendant will be permitted to withdraw his plea. No objection. GRANTED.

Defense counsel stated that he would like to request for Defendant's release prior to sentencing. He requested the Court to order a pretrial report so that the Court and the parties will be able to address the issue of release. No objection. The Court ORDERED pretrial to conduct an investigation and to prepare a report for the Court and the parties to review no later than September 26, 2005.